

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

MICHELLE BHALAI,

Plaintiff,

v.

SYNCHRONY BANK and
EQUIFAX INFORMATION
SERVICES, LLC,

Defendants.

: Civil Action No.:

: 1:23-mi-99999

: (Removed from the Superior Court of
: Fulton County, State of Georgia, Case
: No. 2022CV374058)

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: **SYNCHRONY BANK’S NOTICE OF
: REMOVAL FROM THE SUPERIOR
: COURT OF FULTON COUNTY
: GEORGIA**

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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendant Synchrony Bank (“Synchrony”) hereby removes the above-captioned matter to this Court from the Superior Court of Fulton County, Georgia, where it is currently pending as Case No. 2022CV374058, based upon the following:

I. BACKGROUND

1. On December 19, 2022 Michelle Bhalai (“Plaintiff”) commenced this action in the Superior Court of Fulton County, Georgia (“State Court Action”) by filing a Complaint (“Complaint”), a true and correct copy of which is attached hereto as **Exhibit A**.

2. The State Court Action arises from a dispute regarding a credit card account. Ex., A ¶ 9.

3. In his Complaint, Plaintiff alleges violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681a(d)(1). *Id.*

4. On December 29, 2022, Plaintiff served a copy of the Summons and Complaint on Synchrony.

II. REMOVAL TO THIS COURT IS PROPER

1. Removal of this action is proper under 28 U.S.C. § 1441(a), which allows for the removal of any civil action over which the district courts of the United States would have original jurisdiction.

2. Synchrony is removing this matter on the basis of federal question jurisdiction under 28 U.S.C. § 1331.

3. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331 in that it is a civil action arising under the laws of the United States, specifically the Fair Credit Reporting Act, 15 U.S.C. §§ 1681, *et seq.*

4. Accordingly, had the Complaint been brought in the United States District Court for the Northern District of Georgia in the first instance, this Court would have had original jurisdiction over the subject matter under 28 U.S.C. § 1331.

As a result, this action is properly removable to this Court pursuant to the provisions of 28 U.S.C. § 1441.

5. The Superior Court of Fulton County, Georgia is located within the United States District Court for the Northern District of Georgia. Thus, venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

III. REMOVAL TO THIS COURT MEETS PROCEDURAL REQUIREMENTS

1. **Removal Is Timely.** Synchrony was served with the Summons and Complaint on December 29, 2022, and, therefore, this Notice of Removal is timely in that it is filed within thirty days after service upon Synchrony of a copy of the initial pleading setting forth the removable claim. *See* 28 U.S.C. § 1446(b).

2. **Notice.** Synchrony will promptly serve Plaintiff and file with this Court its Notice of Removal to All Adverse Parties, informing Plaintiff that this matter has been removed to federal court. *See* 28 U.S.C. §§ 1446(a), (d). Synchrony will also promptly file with the Clerk of the Superior Court of Fulton County, Georgia, and serve on Plaintiff, a Notice to Clerk of Removal to Federal Court, pursuant to 28 U.S.C. § 1446(d).

3. **Bond and Verification.** Pursuant to Section 1016 of the Judicial Improvements and Access to Justice Act of 1988, no bond is required in connection

with this Notice of Removal. Pursuant to Section 1016 of the Act, this Notice need not be verified.

4. **Signature.** This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

5. **No Waiver of Defenses.** Synchrony has good and sufficient defenses to this action and does not waive any defenses, jurisdictional or otherwise, by the filing of this notice.

6. **Pleadings and Process Have Been Provided.** Pursuant to 28 U.S.C. Section 1446(a), a true and correct copy of the docket from the State Court Action with all filed pleadings is attached hereto as **Exhibit B.**

7. **This Is the Only Request for Removal.** Synchrony has not made a previous application for the relief requested herein.

WHEREFORE, Synchrony respectfully requests this case be removed from the Superior Court of Fulton County, Georgia to this Court, pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

Dated: January 30, 2023

Respectfully submitted,

/s/ Monica K. Gilroy
Monica K. Gilroy
Georgia Bar No. 427520
The Gilroy Firm
1145 Hightower Trail
Atlanta, GA 30350
(678) 280-1922; (678) 280-1923 (fax)
Counsel for Defendant Synchrony Bank

FONT CERTIFICATION

The undersigned counsel for Defendant Synchrony Bank certifies that the within and foregoing Notice of Removal for Defendant Synchrony Bank was prepared using Times New Roman 14-point font in accordance with LR 5.1C (N.D. Ga.).

Dated: January 30, 2023

Respectfully submitted,

/s/ Monica K. Gilroy
Monica K. Gilroy
Georgia Bar No. 427520
The Gilroy Firm
1145 Hightower Trail
Atlanta, GA 30350
(678) 280-1922; (678) 280-1923 (fax)
Counsel for Defendant Synchrony Bank

CERTIFICATE OF SERVICE

I hereby certify that on January 30, 2023, the foregoing was served by first class mail upon the following:

Heather L. Johnson, Esq.
P.O. Box 248
Telephone: 77-874-2445
Fax: 770-299-2111
Attorneys for Plaintiff

Dated: January 30, 2023

Respectfully submitted,

/s/ Monica K. Gilroy
Monica K. Gilroy
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Counsel for Defendant Synchrony Bank